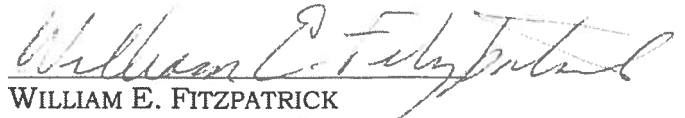


UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Criminal No. 15-640 (JLL)
	:	
	:	
v.	:	Hon. Jose L. Linares
	:	
	:	
DONALD S. TOOMER	:	<u>ORDER FOR DISMISSAL</u>

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court, William E. Fitzpatrick, the Acting United States Attorney for the District of New Jersey (Nicholas P. Grippo and David W. Feder, Assistant United States Attorneys, appearing), for the reasons stated on the record during a status conference on May 24, 2017, hereby dismisses the Indictment against defendant Donald S. Toomer, filed on December 21, 2015, charging the defendant with: one count of conspiracy to commit securities fraud and investment adviser fraud, in violation of Title 18, United States Code, Section 371; two counts of securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2; and two counts of investment adviser fraud, in violation of Title 15, United States Code, Sections 80b-6 and 80b-17, and Title 18, United States Code, Section 2, because further prosecution of the charges in the Indictment, Crim. No. 15-640 (JLL), is not in the interests of the United States at this time.


This dismissal is without prejudice.

  
WILLIAM E. FITZPATRICK  
ACTING UNITED STATES ATTORNEY  
DISTRICT OF NEW JERSEY

Leave of Court is granted for the filing of the foregoing dismissal.

Dated: \_\_\_\_\_

6/2/2017

  
HON. JOSE L. LINARES  
CHIEF UNITED STATES DISTRICT JUDGE